AO 91 (Rev. 08/09) Criminal Complaint

FILED
FEB 0 7 2013
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ______ DEPUTY

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America
v.

Alejandro RODRIGUEZ

Defendant(s)

Case No. 3:13-M-450-NJG

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 6, 2013 in the county of El Paso in the Western District of Texas, the defendant(s) violated:

Code Section	*Offense Description*
Title 21 U.S.C. § 844	defendant did, knowingly and intentionally possess approximately 41.05 pounds (gross weight) of marijuana, a Schedule I controlled substance.

I further state that I am a Homeland Security Investigations Special Agent

This criminal complaint is based on these facts:

See Attached Affidavit.

☑ Continued on the attached sheet.

Complainant's signature

Michael King, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 02/07/2013

Judge's signature

City and state: El Paso, Texas

Norbert J. Garney
Printed name and title

AFFIDAVIT

On February 6, 2013, Alejandro RODRIGUEZ applied for entry into the United States from the Republic of Mexico at the Ysleta Port of Entry, El Paso, Texas. RODRIGUEZ was the driver and sole occupant of a 2002 Nissan Altima.

RODRIGUEZ approached the primary inspection booth and gave a negative declaration for merchandise to the Customs and Border Protection Officer (CBPO). RODRIGUEZ claimed ownership of the vehicle and its contents. RODRIGUEZ stated that he was the owner of the vehicle. During routine questioning, the CBPO noticed that RODRIGUEZ was staring blankly. RODRIGUEZ and the vehicle were then escorted to the Z-Portal for further inspection.

RODRIGUEZ drove his vehicle through the Z-Portal inspection system. The CBPO who observed the inspection image of the vehicle noticed an anomaly within the dash of the vehicle. The CBPO then referred the vehicle to secondary for further inspections.

In secondary, RODRIGUEZ gave a negative declaration for merchandise to the CBPO. RODRIGUEZ claimed ownership of the vehicle and its contents. RODRIGUEZ claimed he had owned the vehicle for two weeks and he had not had any maintenance done on the vehicle, other than the installation of new brakes. The CBPO noticed RODRIGUEZ was not making eye contact with him and stuttered while answering his questions. While inspecting the vehicle, a Narcotic Detector Canine alerted to the odor of a controlled substance near the glove box of the vehicle. Further inspection of the vehicle revealed numerous cellophane-wrapped bundles, located inside of dash. One bundle was probed, which revealed a green leafy substance. When field tested, the green leafy substance produced positive results for the properties of marijuana. A total of 39 bundles were removed from the vehicle, 34 from the dash and 5 from the rocker panel, for a total weight of approximately 41.05 pounds (gross weight) of marijuana.

Homeland Security Investigations (HSI) Special Agent (SA) Michael King, HSI SA Robert Boone, and HSI SA Daniel Salmon arrived at the Ysleta Port of Entry and began an investigation. SA Salmon had RODRIGUEZ read his Miranda Statement of Rights aloud in the Spanish language. RODRIGUEZ acknowledged in writing he understood his rights and agreed to make a statement without the presence of an attorney.

RODRIGUEZ stated he knew the vehicle contained something illegal, but did not know exactly what it was. RODRIGUEZ stated that once he entered the United States, he was to proceed to the K-Mart, leave the keys on the floor of the vehicle, and then return to Ciudad Juarez, Mexico. RODRIGUEZ stated he was going to be paid $1,500 for crossing the vehicle. RODRIGUEZ stated he had been paid multiple times to cross the vehicle into the United States in order to establish a vehicle crossing history, but this was the only time the vehicle was loaded with drugs.